

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MICROUNITY SYSTEMS ENGINEERING,
INC., a California corporation,

Plaintiff,

v.
ACER INC., *et al.*

Defendants.

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Civil Action No. 2:10-cv-00091
TJW-CE

MICROUNITY SYSTEMS ENGINEERING,
INC., a California corporation,

Plaintiff,

v.
ACER INC., *et al.*

Defendants.

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Civil Action No. 2:10-cv-000185
TJW-CE

**MICROUNITY'S UNOPPOSED MOTION FOR LEAVE
TO CONSOLIDATE ACTIONS**

Plaintiff MicroUnity Systems Engineering, Inc. ("MicroUnity") respectfully moves the Court for leave to Consolidate Actions.

There are currently three pending MicroUnity actions in this Court: (1) Civil Action 2:10-cv-00091 ("the '91 case"); (2) Civil Action 2:10-cv-00185 ("the '185 case"); and (3) Civil Action 2:11-cv-00052 ("the '52 case"). The Defendants in all three MicroUnity actions are the same, but the patents asserted in those actions differ.

Via this unopposed motion and other unopposed motions that are being filed concurrently or will be filed, MicroUnity proposes to:

(1) Amend the complaints in the '91 and '185 cases to constitute a single "Consolidated Complaint" applicable in each case. The Consolidated Complaint will include all patents that are currently asserted in each of the three pending MicroUnity actions. Per the

parties' agreement, the Consolidated Complaint also drops Acer, Inc., Acer America Corporation, and Motorola Inc. as parties and adds Motorola Mobility, Inc. as a party.

(2) Consolidate the '91 case and the '185 case, such that all pretrial and trial proceedings are unified for the two cases. The parties have already submitted proposed docket control orders for the '91 case and the '185 case that are identical and that use the Markman hearing and the trial date that this Court has assigned to the '185 case. Accordingly, the parties also request that this Court strike the Markman date and trial date currently set in the '91 case and instead employ the dates set in the '185 case. The parties further request that the '91 case be deemed the lead case.

(3) Upon the accomplishment of the above, MicroUnity will nonsuit the '52 case.

MicroUnity does not seek this consolidation in bad faith or based on any dilatory motive. For the reasons stated above, MicroUnity respectfully asks the Court to grant its motion for leave to Consolidate Actions.

Respectfully Submitted,

/s/ Joseph S. Grinstein
Stephen D. Susman, Attorney-in-Charge
State Bar No. 1952100
ssusman@susmangodfrey.com
Max L. Tribble, Jr.
State Bar No. 20213950
mtribble@susmangodfrey.com
Joseph S. Grinstein
State Bar No. 24002188
jgrinstein@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Sidney Calvin Capshaw
State Bar No. 03783900

ccapshaw@capshawlaw.com
CAPSHAW DERIEUX, L.L.P.
1127 Judson Rd - Ste 220
PO Box 3999
Longview, TX 75601-5157
(903) 236-9800
Fax: (903) 236-8787

Otis W. Carroll
State Bar No.00794219
nancy@icklax.com
IRELAND, CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

Michael F. Heim
State Bar No. 09380923
mheim@hpcellp.com
HEIM, PAYNE & CHORUSH, L.L.P.
600 Travis, Suite 6710
Houston, Texas 77002
Telephone: (713) 221-2000
Facsimile: (713) 221-2021

Douglas R. Wilson
State Bar No. 24037719
dwilson@hpcellp.com
HEIM, PAYNE & CHORUSH, L.L.P.
9442 Capital of Texas Hwy
Plaza I, Suite 500-146
Austin, Texas 78759
Telephone: (512) 343-3622
Facsimile: (512) 345-2924

George M. Schwab
State Bar No. 58250 (CA)
gschwab@gmsspatent.com
LAW OFFICES OF GEORGE M. SCHWAB
235 Montgomery St., Suite 1026
San Francisco, CA 94104
Telephone: (415) 889-5210

Attorneys for MICROUNITY SYSTEMS
ENGINEERING, INC.

CERTIFICATE OF CONFERENCE

Counsel for MicroUnity has conferred with counsel for Defendants on February 3, 2011, and thereafter, and counsel for Defendants are unopposed to the disposition of the matters raised in this motion.

/s/ Joseph S. Grinstein _____
Joseph S. Grinstein

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Joseph S. Grinstein _____
Joseph S. Grinstein